

1 **FERMAN W. SIMS, ESQ.**  
2 (CSB #038696)  
3 519 "H" Street  
4 Crescent City, CA 95531  
5 Telephone: (707) 465-5555  
6 Fax: (707) 465-4454  
7 Email: simscalaw@yahoo.com  
8 Attorney for Plaintiff: Stephen Mitchell  
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10 **UNITED STATES DISTRICT COURT**  
11 **NORTHERN DISTRICT OF CALIFORNIA**  
12 **SAN FRANCISCO DIVISION**

13 **STEPHEN MITCHELL,**

**CASE NO. C 07-5112 CW**

14 **Plaintiff,**

15 **vs.**

**APPLICATION FOR LEAVE TO FILE**  
**MOTION FOR RECONSIDERATION**

16  
17 **DR. HAROLD NEMETZ, OPEN DOOR**  
18 **COMMUNITY HEALTH CENTER, U.S.**  
19 **DEPARTMENT OF HEALTH & HUMAN**  
20 **SERVICES, and DOES 1-20 inclusive,**

**(Civil L.R. 7-9 (b))**

21 **Defendants.**  
22  
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24 COMES NOW, STEPHEN MITCHELL, plaintiff in the above-captioned matter, by and  
25 through his attorney FERMAN W. SIMS, pursuant to ( Civil L.R. 7-9 (b) ) making application  
26 for permission to file his motion for reconsideration of the Minute Order of this court entered on  
27 March 6, 2008  
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1 Said application is based upon the Declaration of plaintiff Stephen Mitchell filed  
2 concurrently herewith.

3 The undersigned has reviewed FR Civ P 54(b) and Civil L.R. 7-9 (b) regarding the  
4 instant motion and believe said motion is taken in good faith and within the guidelines of said  
5 regulations regarding presenting new material facts and which were not in the knowledge of the  
6 undersigned at the time of said hearing nor discoverable with reasonable diligence.

7 Plaintiff makes application to submit a motion for reconsideration of defendant's motion  
8 to dismiss and the Court's ruling on said motion by granting same.

9 Dated: 03/21/08  
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12 FERMAN W. SIMS, Attorney for Stephen  
13 Mitchell  
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